

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Notice of Proposed Rulemaking	)	
18 FCC Rcd 13187, 13188 ¶1 (2003)	)	ET Docket No. 03-137
	)	
And	)	
	)	
Service Rules for the Advanced Wireless Services	)	WT Docket No. 12-357
H Block---Implementing Section 6401 of the	)	
Middle Class Tax Relief and Job Creation Act of	)	
2012 Related to the 1915-1920 MHz and	)	
1995-2000 MHz Bands ¶53 footnote 95	)	

To: Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Comment Filed by: Theresa McCarthy  
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March 4, 2013

**AFFIDAVIT OF Theresa McCarthy**

State of California ]

San Diego County ]

I, Theresa McCarthy, attest that my statements are true to the best of my knowledge.

**Comment** round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Theresa McCarthy . My address is 8746 Wahl Street, Santee, CA 92071.
2. I am employed as an Administrative Assistant.
3. A smart meter was installed on my condo unit, a community of 119 units side-by-side of approx 800 sq ft -1020 sq ft each with electric meters attached to each unit and approx 5-10 feet to the closest room of each unit, those being a bedroom and the kitchen. The **Attachment A** image shows one rowhouse of 7 condos (119 units in the community) and proximity of each unit to the other. A wireless meter is on each unit's wall nearest a bedroom and in the patio. The neighborhood is comprised of other condo communities.
4. Within a few months a skin lesion suddenly appeared on my face above the right upper eyelid, it concerned me but I did not quickly seek medical advice as it was not painful and instead I kept checking it for any change.
5. During that time I had become aware of a strange and worrisome bodily sensation at my small 822 sq ft home (where I used wireless internet connection & a cell phone) that had become unmistakably intense with what felt like heart palpitations and sleep disturbance. As an individual that loves a good night of restful sleep; this was not imagined. When the lesion appeared and then stayed, the instant connection in my mind to information I had read about Radiation Frequency frightened me.
6. I came to learn that FCC's current RF safety guidelines do not take into account published research on the biological effects brought on by the ability of RF signals to communicate with living tissue and that IARC of the World Health Organization classified radiofrequency radiation as a class 2B possible carcinogen in May 2011.

7. I also learned from a retired electrical engineer that “Fast reproducing and dividing living cells in all living things appear to have some degree of vulnerability when in close proximity to such potential RADHAZ power sources as electrical equipment. Few dare to take a stand on this subject or even seek funding to conduct effective research studies. Such a controversial subject can lead to unknown future results and expenses.”

8. I made changes: a) ordered removal of the Smart Meter attached to my home, b) ceased wireless internet connectivity within my home, c) ceased keeping my cell phone on my person, d) avoid locations with wifi connectivity as much as possible, and e) resorted to shutting off all energy power strips when any electrical unit's power is not in use within my home.

9. The skin lesion which had appeared near my eye, vanished. My sleep pattern resolved and sense of normalcy returned versus the strange, constant, static nervousness, I had felt.

10. Scientific evidence is mounting as is public awareness as outlined by these points and references:

- 2012 BioInitiative Report classifies radiofrequency radiation as a carcinogen. <http://www.bioinitiative.org>
- “Public safety standards are 1,000 – 10,000 or more times higher than levels now commonly reported in mobile phone base station studies to cause bioeffects.”(<http://www.bioinitiative.org/conclusions/>)
- The Fenton Reaction, which is partially responsible for the carcinogenic nature of exposure to low levels of ionizing radiation, also occurs with exposure to radiofrequency radiation. See 2012 BioInitiative Report.
- The FCC has a duty to the public to protect the public health and safety from harm from radiofrequency radiation.
- US citizens and tax payers deserve radiofrequency radiation safety limits based on biology, not physics. In order for the FCC to fulfill its Congressional mandate to protect the public health and safety from harm from radiofrequency radiation it must update its RF safety regulations.

“In the Telecom Act of 1996 Congress directed the FCC to set its own RF safety regulations for emissions from Personal Wireless Services Facilities (PWSF). The House Committee on Commerce said it was the Commission’s responsibility to adopt uniform RF regulations “with adequate safeguards of the public health and safety.” (H.R. Report No. 104-204, p. 94)

The FCC's failure to protect the health and safety of citizens by providing updated biologically- based RF safety limits on electromagnetic radiation exposure goes to the heart of the Chevron and Massachusetts v. EPA rulings on an agency's authority to disregard its Congressional mandate. Such agency action and inaction are "arbitrary and capricious...[and] otherwise not in accordance with law." (Massachusetts v. EPA, 549 U.S. 497, 534-535 (2007))

The statute requiring the FCC to adopt and update RF safety regulations is not ambiguous, and therefore the clear intent of Congress applies." EMR Policy Institute Comment in FCC Docket

- FCC does not possess the expertise to set biologically-based radiofrequency radiation safety limits. EPA does. Therefore, the FCC should advocate that Congress direct the EPA to establish biologically-based radiofrequency radiation safety limits and provide the budget and resources to carry out that task. 2012 HR6358 was an excellent example of legislation to authorize the EPA to establish biologically-based radiofrequency radiation safety limits
- Compliance with FCC radiofrequency radiation limits is often cited as an excuse to ignore evidence of harm by transmitting utility meters...etc and force harmful exposure on people against their will. Be sure to support with documentation from your experience.
- A moratorium should be placed on sales of new spectrum, transmitting utility meter installation, and installation of additional base stations for wireless service while biologically-based safety limits are being developed.

11. Exponential RF exposure within multi-unit residential communities, such as in my case, is an immediate, tremendous, health and safety issue.

12. All humans, especially the most vulnerable, from the unborn developing infant to the elderly, rely on expedient, earnest, and diligent government response, regulation, policy protections and enforcement to shield humans from the invisible, increasing, onslaught of RF.

Respectfully submitted by:

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March 4, 2013